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09/894,230 06/27/2001 Francis Ko LAM2P257 4834 25920 7590 02/23/2005 EXAMINER MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 ART UNIT PAPER NUMBER SUNNYVALE, CA 94085	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 ART UNIT PAPER NUMBER	09/894,230	06/27/2001	Francis Ko	LAM2P257	4834		
710 LAKEWAY DRIVE SUITE 200 ART UNIT PAPER NUMBER	25920	7590 02/23/2005		EXAM	EXAMINER		
SUITE 200 ART UNIT PAPER NUMBER			RELLA, LLP				
SUNNYVALE, CA 94085		III DIGVE		ART UNIT	PAPER NUMBER		
	SUNNYVAI	LE, CA 94085					

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	7.	
Notification of Non-Compliant Appeal Brief	09/894,230	KO ET AL.		
(37 CFR 41.37)	Examiner	Art Unit		
	John Ruggles	1756		

The Appeal Brief filed on 03 January 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer. EXTENSIONS OF THIS TIME

PERIOD MAY BE GRANTED UNDER 37 CFR 1.136. 1. 🔯 The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order. The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, 2. withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)). 3. At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)). 4. (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)). 5. The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)) The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 6. 🖾 41.37(c)(1)(vii)). 7. 🗀 The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR) 41.37(c)(1)(viii)). The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)). The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).

See Continuation Sheet.

Other (including any explanation in support of the above items):

John Ruggles Examiner, Art Unit 1756

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10.🖂

⁻⁻The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Continuation Sheet (PTOL-462)

Continuation of 10. Other (including any explanation in support of the above items):

Item 1: (a) Section "V. Summary of the Invention" is not under the proper heading, which should be changed to -- V. Summary of CLAIMED SUBJECT MATTER-- (emphasis added); (b) sections "VI. Issues" and "VII. Grouping of the Claims" should be replaced by a single section under the heading --VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL-- (emphasis added); section "VIII. Arguments" should be renumbered to be section --VII. Arguments--; and (d) section "IX. Claims Appendix" should be renumbered to be section -- VIII. Claims Appendix --.

Item 2: While correctly identifying the finally rejected and appealed claims (claims 16-24 and 37-39) in section III. Status of the Claims, Appellants have failed to identify the status of ALL claims, because the canceled claims (claims 1-15 and 25-36) have neither been identified under the Status of the Claims section of the appeal brief nor in the Claims Appendix section attached thereto.

Item 4: Section V of the brief should be given the proper heading as noted above and must contain a concise explanation of the subject matter in each of the independent claims on appeal (only claims 16 and 37 are independent), while also referring to the specification by page and line number and to the drawings by reference characters.

Item 5: The Grounds of Rejection to be Reviewed on Appeal (VI) must contain a separate statement for each of the four separate grounds of rejection, which are as follows:

- (1) Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US Patent 6,337,163) in view of Young et al. (US Patent 6,255,022) and further in view of Schroeder et al. (US Patent 6,379,869).
- (2) Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US Patent 6,337,163) in view of Young et al. (US Patent 6.255.022), further in view of Schroeder et al. (US Patent 6.379,869), and further in view of Tsai et al. (US Patent 5.899,748).
- (3) Claims 19-23 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US Patent 6.337,163) in view of Young et al. (US Patent 6.255.022), further in view of Schroeder et al. (US Patent 6.379,869), further in view of Tsai et al. (US Patent 5,899,748), further in view of Kishimura (US Patent 5,123,998), further in view of Singh et al. (US Patent 6,479,820), and further in view of George et al. (US Patent 4,980,563).
- (4) Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US Patent 6,337,163) in view of Young et al. (US Patent 6.255,022), further in view of Schroeder et al. (US Patent 6.379,869), and further in view of Rangarajan et al. (US Patent 6,451,512).

Item 6: The Arguments section (VII) must contain a separate heading corresponding to each separate ground of rejection as listed above, with any claims that are argued separately placed under a subheading. Appellants are further apprised that when multiple claims subject to the same ground of rejection are argued as a group, the Board may select a single claim from the group to decide the appeal with respect to that group of claims as to the ground of rejection on the basis of the selected claim alone.

A more detailed explanation of the current rules for an Appeal Brief was published in the Federal Register on 12 August 2004 (69 Fed. Reg. 49959, especially section 41.37 Appeal Brief on pages 50006-50007).

Examiner, Art Unit 1756

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